

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2014080713

ORDER GRANTING REQUEST FOR
CONTINUANCE PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On September 23, 2014, Student filed a request to continue the initially set dates in this matter with the Office of Administrative Hearings, based upon the need to complete an Independent Educational Evaluation. On September 25, 2014, Temecula Valley Unified School District opposed the request based upon Student failing to establish good cause for the continuance.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. Student established good cause for a continuance of the initially set dates. OAH set this matter for hearing without consulting with the parties, and Student established the need completion of the IEE. This matter will be set as follows:

Prehearing Conference: January 5, 2015, at 3:00 PM
Due Process Hearing: January 12, 2015, at 1:30 PM, January 13 through
15, 2015, at 9:00 AM, and continuing day to day,
Monday through Thursday, as needed at the
discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: September 26, 2014

/s/

PETER-PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings